

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY SCHEIRER,	)	
	)	Civil Action
Plaintiff	)	No. 2012-cv-04210
	)	
vs.	)	
	)	
CAROLYN W. COLVIN, <sup>1</sup>	)	
Acting Commissioner of	)	
Social Security,	)	
	)	
Defendant	)	
	)	
SOCIAL SECURITY ADMINISTRATION	)	
	)	
Interested Party	)	

O R D E R

NOW, this 2<sup>nd</sup> day of May, 2014, upon consideration of  
the following documents:

- (1) Decision of Administrative Law Judge Deborah Mande dated December 17, 2010;
- (2) Complaint filed August 14, 2012;
- (3) Answer filed October 19, 2012;
- (4) Plaintiff's Motion for Summary Judgment or, in the Alternative, Plaintiff's Motion for Remand filed November 28, 2012;
- (5) Plaintiff's Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment, which brief and statement of issues was filed November 28, 2012;

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of the Social security administration on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted for Michael J. Astrue the defendant in this matter. No further action is necessary to continue this matter by reason of the last sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

- (6) Defendant's Response to Request for Review of Plaintiff, which response was filed December 13, 2012;
- (7) Plaintiff's Supplemental Brief Per Court Order entered on January 24, 2013;
- (8) Defendant's letter brief dated and filed February 25, 2013; and
- (7) Report and Recommendation of United States Magistrate Judge M. Faith Angell dated October 28, 2013 and filed October 29, 2013;

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Angell's Report and Recommendation; it further appearing that Magistrate Judge Angell's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Angell is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's alternative motion for remand is denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is dismissed.<sup>2</sup>

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<sup>2</sup> Pursuant to paragraph 1 of the current Procedural Order for Social Security Review, plaintiff is required to serve a summons and complaint upon defendant; and pursuant to paragraph 3, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review", which plaintiff did on November 28, 2012. Accordingly, a motion for summary judgment is no longer a required procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff social security benefits. Therefore, I have dismissed plaintiff's motion for summary judgment.

IT IS FURTHER ORDERED that judgment is granted in favor of defendant Carolyn W. Colvin, Acting Commissioner of Social Security and against plaintiff Mary Scheirer.

IT IS FURTHER ORDERED that, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall substitute Carolyn W. Colvin, Acting Commissioner of Social Security for Michael J. Astrue, Commissioner of Social Security as the defendant in this matter.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge